

**U.S. District Court  
Eastern District of Missouri (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:18-cv-01763-RWS**

Hardimon v. Executive Office of the U.S. Attorneys et al  
Assigned to: District Judge Rodney W. Sippel  
Cause: 05:552 Freedom of Information Act

Date Filed: 10/15/2018  
Date Terminated: 10/15/2019  
Jury Demand: Plaintiff  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**John M. Hardimon**

represented by **John M. Hardimon**  
3956 Virginia Ave.  
St. Louis, MO 63102  
PRO SE

V.

**Defendant**

**Executive Office of the U.S. Attorneys**

represented by **Nicholas P. Llewellyn**  
OFFICE OF U.S. ATTORNEY  
111 S. Tenth Street  
20th Floor  
St. Louis, MO 63102  
314-539-2200  
Fax: 314-539-2777  
Email: [nicholas.llewellyn@usdoj.gov](mailto:nicholas.llewellyn@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Office of Information Policy**

represented by **Nicholas P. Llewellyn**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Attorney For Southern Illinois**  
**TERMINATED: 11/29/2018**

Date Filed	#	Docket Text
10/15/2018	<u>1</u>	COMPLAINT against All Defendants, Jury Demand, filed by John M. Hardimon. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Civil Cover Sheet, # <u>3</u> Envelope)(JWD) (Entered: 10/16/2018)
10/15/2018	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Plaintiff John M. Hardimon. (Attachments: # <u>1</u> Exhibit – Bank of America Account Summary)(JWD) (Entered: 10/16/2018)
10/16/2018		Case Opening Notification: Judge Assigned: Honorable Rodney W. Sippel. (JWD) (Entered: 10/16/2018)
10/16/2018		***Complaint Letter Created. This is to advise you that this office has received and filed your complaint and has assigned it the above-referenced case number. (JWD) (Entered: 10/16/2018)
10/16/2018		***Complaint Letter Processed (see notice of electronic filing for distribution list) Tue Oct 16 12:02:48 CDT 2018 (admin,) (Entered: 10/16/2018)

11/29/2018	<u>3</u>	MEMORANDUM AND ORDER: IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis (Docket No. <u>2</u> ) is GRANTED. IT IS FURTHER ORDERED that defendant U.S. Attorney for Southern Illinois is DISMISSED from this action. IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to issue upon defendant Executive Office for United States Attorneys, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Room 2242, Washington, DC 20530. IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to issue upon defendant Office of Information Policy, U.S. Department of Justice, 1425 New York Avenue, N.W., Suite 11050, Washington, DC 20530. IT IS FURTHER ORDERED that the Clerk of Court shall issue process or cause process to issue upon the complaint by serving the United States Attorney in accordance with Fed. R. Civ. P. 4(i)(1)(A)(i) and by serving the Attorney General of the United States in accordance with Fed. R. Civ. P. 4(i)(1)(B). Signed by District Judge Rodney W. Sippel on 11/29/2018. (CLO) (Entered: 11/29/2018)
11/29/2018		ORDER RECEIPT: (see receipt) Docket No: 3. Mailed to party not set up for electronic notification. Thu Nov 29 13:37:40 CST 2018 (Olliges, Chelsea) (Entered: 11/29/2018)
11/29/2018	<u>4</u>	Summons Issued as to defendant Executive Office of the U.S. Attorneys, Office of Information Policy, U.S. Attorney and U.S. Attorney General. The summons was hand delivered to USMS. (CLO) (Entered: 11/29/2018)
01/24/2019	<u>5</u>	SUMMONS Returned Executed filed by John M. Hardimon. Defendant Executive Office of the U.S. Attorneys served on 11/30/2018, answer due 1/29/2019. (ARL) (Entered: 01/24/2019)
02/15/2019	<u>6</u>	MOTION for Leave to File Answer out of Time by Defendants Executive Office of the U.S. Attorneys, Office of Information Policy. (Attachments: # <u>1</u> Answer to Complaint)(Llewellyn, Nicholas) (Entered: 02/15/2019)
02/19/2019	<u>7</u>	Docket Text ORDER: Re: <u>6</u> MOTION for Leave to File Answer out of Time by Defendants Executive Office of the U.S. Attorneys, Office of Information Policy. (Attachments: # <u>1</u> Answer to Complaint)(Llewellyn, Nicholas) filed by Executive Office of the U.S. Attorneys, Office of Information Policy ; ORDERED GRANTED. Signed by District Judge Rodney W. Sippel on 2/19/19. (ARL) (Entered: 02/19/2019)
02/19/2019		ORDER RECEIPT: (see receipt) Docket No: 7. Tue Feb 19 11:59:22 CST 2019 (Luisetti, Andrea) (Entered: 02/19/2019)
02/19/2019	<u>8</u>	ANSWER to <u>1</u> Complaint by Executive Office of the U.S. Attorneys, Office of Information Policy.(ARL) (Entered: 02/19/2019)
02/25/2019	<u>9</u>	MOTION to Unseal Entire Criminal Case by Plaintiff John M. Hardimon. (Attachments: # <u>1</u> Attachment)(KXS) (Entered: 02/25/2019)
02/25/2019	<u>10</u>	MOTION to oppose government's defense by Plaintiff John M. Hardimon. (KXS) (Entered: 02/25/2019)
02/27/2019	<u>11</u>	RULE 16 ORDER This case is assigned to Track: 2 Joint Scheduling Plan due by 4/16/2019. Rule 16 Conference set for 4/23/2019 11:00 AM in Courtroom 16S before District Judge Rodney W. Sippel. Signed by District Judge Rodney W. Sippel on 2/27/2019. (NEP) (Entered: 02/27/2019)
02/27/2019		ORDER RECEIPT: (see receipt) Docket No: 11. Wed Feb 27 16:12:46 CST 2019 (Phillips, Nicole) (Entered: 02/27/2019)
02/27/2019	<u>12</u>	PRO SE MOTION to Oppose Government's Defense sent to District Court on 2/22/2019 by Plaintiff John M. Hardimon. (NEP) (Entered: 03/04/2019)
02/27/2019	<u>13</u>	PRO SE MOTION for Fraud on the Court by Plaintiff John M. Hardimon. (NEP) (Entered: 03/04/2019)
03/05/2019	<u>14</u>	PRO SE MOTION to Add Claim by Plaintiff John M. Hardimon. (CBL) (Entered: 03/05/2019)
03/13/2019	<u>15</u>	MEMORANDUM in Opposition re <u>12</u> PRO SE MOTION, <u>10</u> MOTION for Relief, <u>13</u> PRO SE MOTION, <u>14</u> PRO SE MOTION to Add Claim, <u>9</u> MOTION to Unseal Case filed by Defendants Executive Office of the U.S. Attorneys, Office of Information Policy. (Llewellyn, Nicholas) (Entered: 03/13/2019)

04/16/2019	<u>16</u>	JOINT SCHEDULING PLAN by Defendants Executive Office of the U.S. Attorneys, Office of Information Policy . . (Llewellyn, Nicholas) (Entered: 04/16/2019)
04/23/2019	<u>17</u>	ORDER: IT IS HEREBY ORDERED that a status conference will be held in this matter on August 15, 2019, at 10:00 am in Courtroom 16-South. At this status conference, the Defendant will identify if it has any documents responsive to Plaintiff's FOIA request. Signed by District Judge Rodney W. Sippel on 4/23/19. (KEK) (Entered: 04/23/2019)
04/23/2019		ORDER RECEIPT: (see receipt) Docket No: 17. Tue Apr 23 15:12:00 CDT 2019 (Kratzer, Katie) (Entered: 04/23/2019)
04/23/2019	<u>18</u>	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Rodney W. Sippel: Rule 16 Conference held on 4/23/2019. Conference held in person. Plaintiff failed to appear. Status conference set for 8/15/19 at 10:00 a.m. in Courtroom 16S. Order to follow. (Court Reporter:Shannon White, Shannon_White@moed.uscourts.gov, 314-244-7966) (proceedings started: 11:20 a.m.) (proceedings ended: 11:30 a.m.)(Deputy Clerk: A.Luisetti)(Appearance for Defendant: Nicholas Llewellyn) (ARL) (Entered: 04/23/2019)
05/16/2019	<u>19</u>	STATUS REPORT by Executive Office of the U.S. Attorneys, Office of Information Policy. (Attachments: # <u>1</u> Exhibit A – Declaration of Margaret Dryden)(Llewellyn, Nicholas) (Entered: 05/16/2019)
05/21/2019		NOTICE: IF YOU HAVE ALREADY UPGRADED YOUR PACER ACCOUNT YOU CAN DISREGARD THIS NOTICE. IF YOU DO NOT UPGRADE YOU WILL NOT BE ABLE TO FILE IN THE SYSTEM AFTER MAY 31, 2019. PLEASE UPGRADE IMMEDIATELY. If you are using a shared account to file cases, you will need to create an individual account; instructions can be found <a href="https://www.moed.uscourts.gov/sites/moed/files/Register-for-New-PACER-account.pdf">at:https://www.moed.uscourts.gov/sites/moed/files/Register-for-New-PACER-account.pdf</a> . If you already have an individual account, it will need to be upgraded; instructions can be found <a href="https://www.moed.uscourts.gov/sites/moed/files/Upgrade-Current-PACER-Account.pdf">https://www.moed.uscourts.gov/sites/moed/files/Upgrade-Current-PACER-Account.pdf</a> . If you need further assistance contact the MOED CM/ECF Help Desk at 314-244-7650 or moedml cmecefc help@moed.uscourts.gov. (CSAW) (Entered: 05/21/2019)
05/21/2019	<u>20</u>	ORDER TO SHOW CAUSE...IT IS HEREBY ORDERED that Hardimon must show cause no later than June 7, 2019, why this case should not be dismissed for failure to state a claim upon which relief can be granted. Fed. R. Civ. Pro. 12(b)(6). (Show Cause Response due by 6/7/2019.). Signed by District Judge Rodney W. Sippel on 5/21/2019. (NEP) (Entered: 05/21/2019)
05/21/2019		ORDER RECEIPT: (see receipt) Docket No: 20. Tue May 21 15:23:16 CDT 2019 (Phillips, Nicole) (Entered: 05/21/2019)
05/22/2019	<u>21</u>	Reply to Defendants Status Motion in May 2019; by Plaintiff John M. Hardimon. (NEP) (Entered: 05/23/2019)
07/31/2019	<u>22</u>	MEMORANDUM AND ORDER: IT IS HEREBY ORDERED that Hardimon's motion to unseal, <u>9</u> , motions to oppose the government's defense, <u>10</u> and <u>12</u> , motion for fraud on the court, <u>13</u> , and motion to add claim, <u>14</u> , are DENIED. Signed by District Judge Rodney W. Sippel on 7/31/19. (KEK) (Entered: 07/31/2019)
07/31/2019		ORDER RECEIPT: (see receipt) Docket No: 22. Wed Jul 31 15:49:23 CDT 2019 (Kratzer, Katie) (Entered: 07/31/2019)
08/15/2019	<u>23</u>	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Rodney W. Sippel: Status Conference held on 8/15/2019. Arguments heard. Order to follow. (Court Reporter: Shannon White, Shannon_White@moed.uscourts.gov, 314-244-7966) (proceedings started: 10:40 a.m.) (proceedings ended: 11:00 a.m.)(Deputy Clerk: A.Luisetti)(Appearance for Plaintiff: John M. Hardimon) (Appearance for Defendant: Nicholas Llewellyn) (ARL) (Entered: 08/15/2019)
08/15/2019	<u>24</u>	ORDER: IT IS HEREBY ORDERED that the Defendant shall file a dispositive motion no later than September 20, 2019. The Plaintiff will then have until October 10, 2019, to respond. Signed by District Judge Rodney W. Sippel on 8/15/19. (ARL) (Entered: 08/15/2019)

08/15/2019		ORDER RECEIPT: (see receipt) Docket No: 24. Thu Aug 15 14:00:20 CDT 2019 (Luisetti, Andrea) (Entered: 08/15/2019)
09/20/2019	<u>25</u>	MOTION to Dismiss for Lack of Jurisdiction by Defendants Executive Office of the U.S. Attorneys, Office of Information Policy. (Llewellyn, Nicholas) (Entered: 09/20/2019)
09/20/2019	<u>26</u>	MEMORANDUM in Support of Motion re <u>25</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendants Executive Office of the U.S. Attorneys, Office of Information Policy. (Attachments: # <u>1</u> Exhibit A – Receipt from Federal Records Center, # <u>2</u> Exhibit B – Amended Declaration of Margaret Dryden, # <u>3</u> Exhibit C – Declaration of Karen Schroeder)(Llewellyn, Nicholas) (Entered: 09/20/2019)
10/15/2019	<u>27</u>	ORDER : IT IS HEREBY ORDERED the defendants motion to dismiss ECF No. <u>26</u> is GRANTED pursuant to Fed. R. Civ. P. 12(b)(1). Signed by District Judge Rodney W. Sippel on 10/15/19. (ARL) (Entered: 10/15/2019)
10/15/2019		ORDER RECEIPT: (see receipt) Docket No: 27. Tue Oct 15 15:04:16 CDT 2019 (Luisetti, Andrea) (Entered: 10/15/2019)
10/15/2019	<u>28</u>	ORDER OF DISMISSAL: IT IS HEREBY ORDERED that Hardimon's claim brought pursuant to the Freedom of Information Act is DISMISSED. Signed by District Judge Rodney W. Sippel on 10/15/19. (ARL) (Entered: 10/15/2019)
10/15/2019		ORDER RECEIPT: (see receipt) Docket No: 28. Tue Oct 15 15:07:11 CDT 2019 (Luisetti, Andrea) (Entered: 10/15/2019)